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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninetieth session
2-26 August 2016
Item 4 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined fourth to sixth periodic reports of Paraguay

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. This document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Lack of information on the demographic make-up of the population

2. Information on the results of the 2012 National Population and Housing Census and up-to-date, disaggregated information on the make-up of the population of Paraguay, including, in particular, data on the population of African descent (CERD/C/PRY/CO/1-3, para. 8).

Legal, institutional and public policy framework for combating racial discrimination (arts. 2, 4, 6 and 7)

3. Legislative and administrative measures to prevent racial discrimination. Information on the lack of a legal definition of racial discrimination and the failure to adopt a comprehensive law against all forms of discrimination (CERD/C/PRY/CO/1-3, para. 9).

4. Taking account of the diversity of the State party's indigenous peoples, information about the measures that have been adopted to guarantee their representation by the National Institute of Indigenous Affairs, to enhance the Institute's functional autonomy and to ensure that it is equipped with the financial, material, technical and human resources necessary to carry out its mandate effectively (CERD/C/PRY/CO/1-3, para. 14).

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5. Information on progress towards the appointment of a new Ombudsman, and on measures taken to guarantee the independence and effective operation of the Ombudsman's Office and its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (para. 20).

6. Level of implementation of the National Human Rights Plan and the National Plan for Human Rights Education, particularly actions targeting indigenous peoples and persons of African descent.

Situation of indigenous peoples and Afro-descendant communities (arts. 1 to 7)

7. Adoption and implementation of special measures to combat the racism and structural discrimination that continues to affect the enjoyment of economic, social and cultural rights by indigenous peoples and Afro-descendant communities (CERD/C/PRY/CO/1-3, para. 11).

8. The gaps in the legislation governing access to land by indigenous peoples, the lack of an effective mechanism for claiming restitution of ancestral lands (CERD/C/PRY/CO/1-3, para. 15) and the measures taken to ensure full compliance with the judgments handed down by the Inter-American Court of Human Rights in the cases of the *Yakye Axa Indigenous Community v. Paraguay*, the *Sawhoyamaxa Indigenous Community v. Paraguay* and the *Xákmok Kásek Indigenous Community v. Paraguay* (CERD/C/PRY/CO/1-3, para. 17).

9. Information on the steps taken to prevent the ancestral lands and territories of indigenous peoples from being illegally occupied or overrun by third parties and to prevent indigenous peoples from being forcibly evicted from their territories, on the investigations carried out into such cases, and on the results of such investigations.

10. Information on measures taken to ensure the survival and protection of indigenous peoples in voluntary isolation and initial contact who are living in the Chaco region, to respect their decision to remain isolated and to protect their territories. In particular, information on the situation of the Ayoreo Totobiegosode people living in the Alto Paraguay region and on compliance with precautionary measure No. 54/13 issued by the Inter-American Commission on Human Rights on 3 February 2016 (CERD/C/PRY/4-6, paras. 58 and 59).

11. Information on the measures taken to ensure that the environmental problems caused by logging, the expansion of soybean monoculture and the abusive use of agrochemical substances do not adversely affect the health of indigenous peoples.

12. Information on the measures taken to ensure that indigenous peoples have access to safe drinking water and protect water resources in their lands and territories.

13. Information on the outcomes of the Food Security Action Plan and the impact of working groups' efforts and inter-agency coordination on the achievement of food and nutrition security for indigenous peoples.

14. Information on the implementation of the Indigenous Health Act and measures taken to ensure that indigenous peoples have access to adequate health care based on a multicultural, human rights-oriented approach. In addition, information on how indigenous peoples have contributed to the design and implementation of such measures (CERD/C/PRY/4-6, para. 68).

15. Information on the results of measures adopted to ensure that indigenous children and adolescents have access to education, on measures taken to reduce illiteracy rates among indigenous peoples and on the operation and budget of the National Council for Indigenous Education.

16. Information on the impact of steps taken to improve the working conditions of members of indigenous peoples and, in particular, to investigate cases in which members of indigenous communities have been exploited for their labour.

Participation of indigenous peoples and persons of African descent in political and public life (arts. 2, 5 and 6)

17. Information on the measures adopted, including measures related to the budget, to ensure that the free, prior and informed consent of indigenous peoples is obtained before decisions are taken that may directly affect the exercise of their rights. Status of the legislative proposal to establish a procedural framework for the process of consulting and obtaining the consent of indigenous peoples in Paraguay (CERD/C/PRY/4-6, para. 124).

18. Information on measures taken to promote the political participation of indigenous peoples and people of African descent, in particular in decision-making positions.

Human rights defenders

19. Details of measures taken to guarantee protection for human rights defenders, particularly those working to defend the rights of indigenous peoples, and information on any investigations conducted into cases of violations of the rights of human rights defenders, and on the results of such investigations.

The justice system and measures for combating racial discrimination (arts. 5 and 6)

20. Information on specific action taken to improve access to justice for indigenous peoples and eliminate the racist attitudes and racial discrimination that remain entrenched in courts of first instance and provincial courts.

21. Information on the situation of members of indigenous peoples and persons of African descent who are deprived of their liberty.

Situation of indigenous and Afro-descendent women

22. Information on measures taken to combat the multiple, intersectional forms of discrimination suffered by indigenous and Afro-descendent women, impeding, in particular, their participation in decision-making and their access to a decent standard of living, education, work and health-care services, including sexual and reproductive health services.